

FILED
Clerk
District Court

SEP 14 2005

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CR- 05-00003-001

September 14, 2005
10:00 a.m.

UNITED STATES OF AMERICA -v- Huang, Jie

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANA E SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
ROBERT TORRES, Counsel for Defendant
HUANG, JIE, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Robert Torres. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer, Melinda Brunson

Aby Leong was sworn as interpreter/translator of the Mandarin language.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a sentence of imprisonment of 42 months. Defense recommended 37 months imprisonment at the low-end of the guidelines. Defendant gave his allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **HUANG, JIE** is hereby sentenced to a term of **37 months imprisonment**. Following release from imprisonment, the defendant shall be placed on supervised release for a term of four years which would require that he comply with the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101, and in accordance with U.S. Titles. As a further condition of supervised release, if ordered deported, he shall remain outside the United States and shall not re-enter without the permission of the U. S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U. S. Probation Office to begin his term of supervised release;

2. The defendant shall not commit another federal, state, or local offense;

3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to up to eight drug tests a month after release from imprisonment for use of a controlled substance;

4. The defendant shall submit to the collection of a DNA sample at the direction of the U. S. Probation Office;

5. The defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission and codified under 18 U. S. C. §3583;

6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon or have any such weapon at his residence;

7. The defendant shall participate in a program approved by the U. S. Probation Office for substance abuse, which program may include testing, up to eight times a month, to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U. S. Probation Office;

8. The defendant shall refrain from the use of all alcoholic beverages; and

9. The defendant shall perform 200 hours of community service under the direction of the U. S. Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

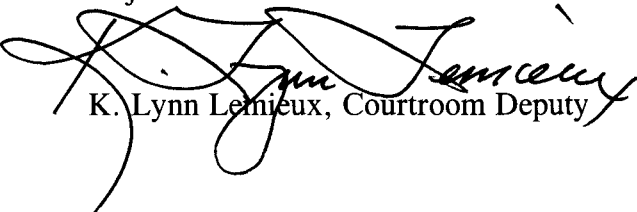
No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant

was advised of his right to an attorney for appeal.

Government moved to dismiss Counts II, III, IV and V in this case. Court so ordered.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 10:30 a.m.



K. Lynn Lemieux, Courtroom Deputy